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Thomas R. Spadaro

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FULBRIGHT & JAWORSKI L.L.P

2200 ROSS AVENUE

SUITE 2800

DALLAS, TX 75201-2784

EXAMINER

MEHRA, INDER P

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/905,014	<b>Applicant(s)</b> SPADARO ET AL.	
	<b>Examiner</b> INDER P. MEHRA	<b>Art Unit</b> 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 June 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-58 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-53 and 55-58 is/are rejected.
- 7) ☒ Claim(s) 54 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>1/24/2008</u> . | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This office action is in response to Amendment dated 12/21/2007 on this amendment, claim 1, 5, 12, 15, 26, 28, 31, 32, 43 and 54 are amended and claims 4, 14 and 30 are cancelled. Claims 1-58 are pending.

### ***Claim Objections***

2. Claim 26 is objected to because of the following informalities:  
  
Claim 26 recites “a second VOIP” in line 10. There is no preceding “first VOIP gateway”. It is presumed that “a VOIP gateway” in line 6 is “first VOIP gateway”. Please confirm .  
  
Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.

3. Resolving the level of ordinary skill in the pertinent art.

4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. Claims 1-2, 6-8, 12-13, 15-19, 32-33, 36, 41-42 and 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Kung et al** (US Patent Application No. 2003/0133558), hereinafter, Kung in view of **Gainsboro** (US Patent Application No. 2002/0071537).

For claims 1, 12, Kung discloses “a controlled public telephone communications system, **(The IP central station may be configured to manage voice information transfers---, refer to paragraph 0038)**; comprising,

- a plurality of telephones at a plurality of given sites, wherein said plurality of given sites are interconnected over a Voice over Internet Protocol (VoIP) network; (**Kung teaches, “The broadband network generally provides interconnection between a plurality of customer locations utilizing various interconnection architectures including Internet Protocol (IP) based network”, refer to paragraph 0026); (Note: Internet Protocol in voice telecommunication is the same as (VOIP), which is taught by Kung, paragraphs 0041 and 0055);**
- at least one programmable control computer at each site (**Kung teaches, “programming messages and/or computer data between the various devices, refer to paragraphs 0036, 0037, 0055, further, teaches residential gateway distributed in different locations, paragraph 0028) for switching (paragraphs 0040,0044), accessing (paragraph 0006 and abstract), routing, (paragraph 0037, 40, 44, and 57), timing (paragraph 0044, 48 and 67), billing, (paragraph 35, 39**

- and 63), and the controlling usage of said telephones (figs. 2 and 3 and paragraphs 27 and 55), said telephones (106, 108, 110 and PSTN) being connected to said programmable control computer (IP central station 200 in fig. 4);**
- **switching means operable under control of said programmable control computer for selectively connecting said telephones with an offsite public switched telephone network via said VOIP network, wherein said telephones are connected to said offsite public switched telephone network only under control of said programmable control computer, (Kung discloses, “programming messages and/or computer data between the various devices, refer to paragraphs 0036, 0037, 0055; “The central router 210 provides for example Ethernet switching and aggregate traffic between servers, gateways and the IP network 120 (Gateway is connected to various telephones, see fig. 1), and/or ATM network 185 backbone, refer to paragraph 0044); and further discloses analog voice may be converted to digital data and packetized for transmission in an appropriate output protocol such as an Internet protocol (IP), refer to paragraph 0028, 142, 144 and 120 in fig. 1));**
  - **an offsite public switched telephone network, as recited by claims 6, and 17, (160 in fig. 1, 2);**

**Kung does not disclose explicitly “subject to said usage restriction”, see claims 1, 12 (Gainsboro teaches, “It would be highly desirable to provide an institutional telephone system that automatically prohibits inmates from attempting to call certain outside persons”, refer to paragraphs 0006; further discloses “revoke an inmate’s calling privileges”, refer to paragraphs 0007 and 0014.**

It would have been obvious to the person of ordinary skill in the art at the time of the invention “restricting usage”---“by particular individuals”. This capability can be implemented by combining “institutional telephone system”, as taught by Gainsboro into Kung’s “IP central station”. The motivation for using this capability is to mitigate harassment problem. The broadband network generally provides interconnection between a plurality of customer locations utilizing various interconnection architectures including Internet Protocol (IP) based network, various existing systems (legacy systems) such as the public switched telephone network (PSTN), ATM networks, the Internet, signaling networks, as well as other systems, refer to Kung’s paragraph 0026).

For claims 6 and 17, **Kung** in view of Gainsboro teach all the limitations of subject network, as applied to, The system of claim 1, with the exception of following limitations, which are disclosed by Gainsboro:

wherein said offsite switched telephone network is a Public Switched Telephone Network (PSTN), (**Kung teaches PSTN 160, fig. 1 of Kung.**).

For claims 2, 13, and 16, Kung discloses “2. (Original) “wherein programming for said programmable control computer is distributed to at least one remote locations over said VoIP network (Kung discloses, “**distributed processing controller 306 which may be a microprocessor and/or one or more interconnected distributed processing modules for controlling the broadband residential gateway 300, refer to paragraph 0081).** Further, Kung

discloses Ethernet connection , **as recited by claim 13**, (interface or port connection), refer to paragraph 0027 of Kung).

For claims 7 and 15, Kung discloses “wherein said off site switched telephone network is a Private Branch Exchange”(PBX 146 in fig. 1); and “a data exchange network interconnecting said sites over said Ethernet network”, **as recited by claim 15, refer to PBX 146 in fig. 1 and paragraph 0027 for Ethernet LAN. .**

For claims 8 and 18, Kung’558 discloses all the limitations of subject matter with the exception of the following limitation, which is disclosed by a Gainsboro, as follows:

“imposing a three way call restriction”, **(Gainsboro discloses “It would be highly desirable to provide a method ---for allowing a recipient of an undesired call from an inmate to easily and automatically prohibit all future calls from that particular inmate, refer to Gainsboro’s paragraph 0006).**

It would have been obvious to the person of ordinary skill in the art at the time the invention to use a imposing a three way call restriction. This capability can be implemented by combining it in IP central station, as taught by Kung’558. The motivation for using VOIP is to establish a voice call connection and receiving audio data from a network source.

For claim 19, Kung’558 disclose the following limitations:

- wherein said VOIP gateway (300 in fig. 1) is disposed between said telephone and said VOIP network (refer to paragraph 0041); and a second VOIP gateway (230 in

fig. 2) between said VOIP network and said offsite public switched telephone network 160, refer to fig. 2 and paragraphs 0041 and 0045).

For claim 32, Kung discloses A call processing system for use in processing calls, **(The IP central station may be configured to store various control and system information such as location, address, and/or configurations of one or more broadband residential gateways 300, as well as other routing and call set-up information, refer to paragraph 0038);** said system comprising, :

- a plurality of telephone terminals **(These voice networks are referred to as a public switched telephone network (PSN) or plain old telephone service (POTS), refer to paragraph 0003; Referring to FIG. 1, an exemplary embodiment of a broadband network 1. The broadband network generally provides interconnection between a plurality of customer locations utilizing various interconnection architectures including Internet Protocol (IP) based network, refer to paragraph 0026);**
- a first voice over Internet protocol (VoIP) gateway coupled to said plurality of telephone terminals and disposed locally with respect thereto, said first VOIP gateway having a digital data network interface providing digital communication of voice signals associated with one or more of said plurality of telephone terminals with user terminals, **(Kung teaches, “gateway (BRG) 300, Although the broadband residential gateway is preferably disposed in a residence for many aspects of the invention, in exemplary embodiments, it may also be disposed in a business or**



- other location”, see paragraph 0027. “Broadband residential gateway 300 may be connected to the remainder of the broadband network 1 using any suitable mechanism such as a gateway directly into an IP network”, see paragraph 0079).**
- wherein said voice signals are communicated to the user terminals via a digital data network **(IP based phones, paragraph 0027)**; a second VoIP gateway coupled between said digital data network and said user terminals **(Multimedia gateway 230, fig. 2, connected to terminals in PSTN 160 and IP network which is digital network, 120 in figs. 1 and 2, paragraph 0044)**;
  - a processor-based system coupled to said first VoIP gateway and to said second VOIP gateway and disposed remotely with respect thereto, said processor-based system providing call control for controlling communications between said plurality of telephone terminals and said user terminals, **as recited by claim 32, (Alternatively, the user may use system memory in IP central (processor) and buffer data remotely, refer to paragraph 0093).**

**Kung does not teach “prison facility”, which is disclosed by Gainsboro, (refer to paragraph 0001)**

**It would have been obvious to the person of ordinary skill in the art at the time of the invention “prison facility”. This capability can be implemented by combining**

institutional telephone system", as taught by Gainsboro into Kung's "IP central station". The motivation for using this capability is to mitigate harassment problem and directs the computer control unit to prohibit similar calls in the future.

For claims 33, 36, 41, 42 and 53, Kung in view of Gainsboro discloses all the limitations of subject matter of claim 32, as above. Further, Kung teaches the following limitations of the following claims:

- a programmable control computer (programming messages and/or computer data between the various devices), as recited by claim 41 also, refer to paragraphs 0036, 0037, 0055;
- for switching (paragraphs 0040,0044); accessing (paragraph 0006 and abstract), routing, as recited by claims 33, (paragraph 0037, 40, 44, and 57);
- timing (paragraph 0044, 48 and 67), billing, as recited by claims 36, (paragraph 35, 39 and 63), and the control of said telephones (figs. 2 and 3 and paragraphs 27 and 55), said telephones (106, 108, 110 and PSTN) being connected to said computer (200 in fig. 4);
- terminals ---via public switched telephone network, as recited by claim 42, also, (160 in fig. 1, 2);

- **as recited by claim 53**, wherein said call processing system is a prison telephone system (refer to Kung, “Although the broadband residential gateway is preferably disposed in a residence for many aspects of the invention, in exemplary embodiments, it may also be disposed in a **business or other location**”, see **paragraph 0027**).

5. Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Kung et al** (US Patent Application No. 2003/0133558), hereinafter, Kung in view of **Gainsboro** (US Patent Application No. 2002/0071537), further, in view of **Hsiao** (US Patent No. 5,971,272).

For claim 31, Kung discloses “a controlled public telephone communications system, **(Kung teaches, The IP central station is configured to manage voice information transfers--, refer to paragraph 0038)**; comprising,

- a plurality of telephones at a plurality of given sites **(The broadband network generally provides interconnection between a plurality of customer locations utilizing various interconnection architectures including Internet Protocol (IP) based network, refer to paragraph 0026)**;
- at least one programmable control computer at each site **(programming messages and/or computer data between the various devices, refer to paragraphs 0036, 0037, 0055)**; for switching **(paragraphs 0040,0044)**; accessing **(paragraph 0006 and abstract)**, routing, **(paragraph 0037, 40, 44, and 57)**; timing **(paragraph 0044, 48 and 67)**; billing, **(paragraph 35, 39 and 63)**, and the restricted usage of said telephones **(figs. 2 and 3 and paragraphs 27 and 55)**; said telephones **(106, 108,**

**110 and PSTN) being connected to said programmable control computer (200 in fig. 4);**

- an offsite public switched telephone network, **(160 in fig. 1, 2);**
- switching means for selectively connecting said telephones with said Voice over Internet Protocol network (VOIP) network; **(Kung discloses, “The central router 210 provides for example Ethernet switching and aggregate traffic between servers, gateways and the IP network 120; and further discloses analog voice may be converted to digital data and packetized for transmission in an appropriate output protocol such as an Internet protocol (IP), refer to paragraph 0028, 142, 144 and 120 in fig. 1);**

**Kung does not disclose explicitly “restricting usage”---“by particular individuals”. This limitation is disclosed by Gainsboro, explicitly, as follows:**

**Gainsboro discloses “It would be highly desirable to provide an institutional telephone system that automatically prohibits inmates from attempting to call certain outside persons”, refer to paragraphs 0006; further discloses “revoke an inmate’s calling priviledges”, refer to paragraphs 0007 and 0014.**

**Kung in view of Gainsboro do not disclose the following limitation, which is disclosed by Hsiao, as follows:**

- said programmable control computer further comprising a system responsive to a calling card number associated with a personal identification number (PIN), said numbers being keyed into said telephones for authorizing stored permitted telephone

usage associated with individual number, **(Hsiao discloses Personal accounts are associated with, for example, telephone calling cards, checking and savings accounts in banks, computer networks, and credit cards. Typically, account security is maintained (and unauthorized access prevented) by use of a password or personal identification number (PIN), (refer to col. 1 lines 13-19). For example, a telephone calling card number may be provided by keying in the number on a telephone keypad or, in some circumstances, sliding the telephone calling card through a magnetic card reader attached to a specially equipped telephone. The account number is printed on the telephone calling card, and accordingly is readily accessible to any individual looking at the telephone calling card. However, merely knowing the account number does not allow someone to use the telephone calling card since a caller also has to know the PIN associated with the telephone calling card before a call may be placed using the telephone calling card. In theory, someone who steals the telephone calling card or merely knows the account number printed on the telephone calling card cannot make fraudulent telephone calls using the telephone calling card account because only the authorized user knows the PIN necessary to activate the account, (refer to col. 1 lines 35-50).**

It would have been obvious to the person of ordinary skill in the art at the time of the invention of "restricting usage"---"by particular individuals" and "said programmable control computer further comprising a system responsive to a calling card number associated with a personal identification number (PIN), said numbers being keyed into

said telephones for authorizing stored permitted telephone usage associated with individual number". These capabilities can be implemented by combining "institutional telephone system", as taught by Gainsboro into Kung's "IP central station" and also Hsiao's system of entering calling card's numbers into telephone. The motivation for using this capability is to mitigate harassment problem. The broadband network generally provides interconnection between a plurality of customer locations utilizing various interconnection architectures including Internet Protocol (IP) based network, various existing systems (legacy systems) such as the public switched telephone network (PSTN), ATM networks, the Internet, signaling networks, as well as other systems, refer to Kung's paragraph 0026; and also ensure security of access to system by using PIN numbers.).

6. Claims 3, 10-11 and 22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Kung** in view of **Gainsboro**, as above, further, in view of **Cell Jr. (US Patent No. 6,876,647), hereinafter, Cell.**

For claims 3 and 22, Kung in view of Gainsboro discloses all the limitations of subject matter with the exception of the following limitation, which is disclosed by Cell, as follows:

- wherein said programmable control computer further comprises a VoIP gateway for servicing and control of VoIP communications over said VoIP network (**A machine readable storage, having stored thereon a computer program for streaming voice data, ---to perform the steps of: establishing a plurality of voice call connections with a voice over IP (VoIP) gateway), refer to claim 17 of Celi).**

It would have been obvious to the person of ordinary skill in the art at the time of the invention to use programmable control computer further comprising a Voice gateway for servicing and control of Voice communications. This capability can be implemented by combining VOIP gateway into IP central station. The motivation for using VOIP gateway in IP central station is to establish a voice call connection with a VoIP gateway; and receiving audio data from a network source.

Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Kung'558, and in view of Gainsboro, as above**

For claims 10 and 11, Kung'558 discloses the following limitation:

- wherein said gateway is an internal gateway, **as recited by claim 10**; and wherein said gateway is an external gateway shared with other Voice devices outside of said control computer, **as recited by claim 11, (Kung '558 discloses “a gateway such as the head-end hub (HEH) 115- (same as internal gateway). The head-end hub 115 may be variously configured to provide various services and/or interconnections with the rest of the broadband network 1”, refer to paragraph 0029).**

For claims 23, wherein said VOIP gateway includes voice compression and packetization, **as recited by claim 23**, refer to Kung '558's paragraph 0066 and 0080

7. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Kung** in view of **Gainsboro**, as above, further, in view of **Vo et al (US Patent No. 6,795,444), hereinafter, Vo.**

For claim 5, Kung in view of Gainsboro discloses all the limitations of subject matter, including the limitation, **as recited by claim 1**, with the exception of the following limitations which are disclosed by VO, as follows:

- a data exchange network interconnecting said sites, said telephone communications systems being integrated into said data exchange network, **as recited by claim 5, (Vo teaches plurality of interconnected hubs/bridges 286A through 286D, col. 12 lines 40-45).**

It would have been obvious to the person of ordinary skill in the art at the time the invention to use a data exchange network interconnecting said sites, said telephone communications systems being integrated into said data exchange network. This capability can be implemented by combining programmable computer in each station. The motivation for using VOIP is to establish a voice call connection with a VoIP gateway; and receiving audio data from a network source.

8. Claims 9, 21, 35, 55 and 57 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Kung'558 in view of Gainsboro**, as above, further in view of **Kung et al (US Patent No. 6,687,360), hereinafter, Kung'360.**

For claims 9, 21, 35 and 55-57, Kung'558 in view of Gainsboro discloses all the limitations of subject matter with the exception of the following limitation, which is disclosed by Kung'360, as follows:



- wherein said programmable control computer comprises: a system responsive to personal identification numbers (PIN) keyed into at least one of said onsite said public telephones for authorizing stored permitted telephone usage associated with said PIN. (Kung'360 teaches, **the subscriber dials a toll-free number for location registration using either a PIN or some other personal information that uniquely identifies the subscriber, refer to col. 29 lines 45-60.**

It would have been obvious to the person of ordinary skill in the art at the time the invention to use the capability of a system responsive to personal identification numbers (PIN) keyed into said telephones. This capability can be implemented by combining it in IP central station, as taught by Kung'558. The motivation for using VOIP is to identify the caller and establish a voice call connection and receiving audio data from a network source.

9. Claims 20 is rejected under 35 U.S.C. 103(a) as being unpatentable **Kung'558**, over **Gainsboro**, as above, further, in view of **Pogossiants et al** (US Patent Application No. 2001/0028649), hereinafter, '649.

For claims 20, Kung'558, in view of Gainsboro disclose all the limitations of subject matter with the exception of the following limitation, which is disclosed by '649, as follows:

- wherein said three-way call detection is performed between said second VOIP gateway (**PBX telephony switch, paragraph 0025**) and three party call by CTI server 606 and said public switched telephone network 617, fig. 6, paragraphs 0025 and 0090).

It would have been obvious to the person of ordinary skill in the art at the time the invention to use capability of third party call detection. This capability can be implemented by combining VOIP gateway connected to the IP central station, as taught by Kung'558. The motivation for using VOIP is to establish a VOIP telephone calling.

10. Claims 24 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Kung'558** in view of **Gainsboro**, as above , further, in view of **Weitz** (US Patent No. 6,445,682)

. For claims 24 and 25, Kung'558 in view of Gainsboro disclose all the limitations of subject matter with the exception of the following limitation, which is disclosed by Weitz, as follows:

- wherein said second Voœ gateway includes decompression and depacketization, (refer to col. 44 line 45 through col. 45 line 15).
- wherein said VOIP gateway includes an Ethernet network interface, refer to col. 44 line 65 through 67.

It would have been obvious to the person of ordinary skill in the art at the time the invention to use capability of Voœ gateway includes decompression and depacketization and VOIP gateway includes an Ethernet network interface. This capability can be implemented by combining it in IP central station, as taught by Kung'558. The motivation for using VOIP is to establish a VOIP telephoning calling.

11. Claims 34, 37, 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Kung'558** , over **Gainsboro, as above, further, in view of Gainsboro** (US Patent No. 6,611,583).

For claims 34, 37, 39, , Kung'558 in view of Gainsboro '537 discloses all the limitations of subject matter with the exception of the following limitation, which are disclosed by Gainsboro''583, as follows:

- wherein said processor-based system checks a telephone usage restriction, **as recited by claim 34, (refer to col. 7 lines 17-42).**
- wherein said processor-based system monitors a call, **as recited by claim 37, (refer to col. 7 lines 17-42).**
- wherein said fraudulent call comprises a three-way call, **as recited by claims 39, (refer to col. 6 line 53-col. 7 line 15.)** .

It would have been obvious to the person of ordinary skill in the art at the time the invention to use capability of telephone usage restriction, monitoring a call and fraudulent three way call detection. This capability can be implemented by combining it in IP central station, as taught by Kung'558. The motivation for using VOIP is to establish a VOIP telephoning calling system free of frauds and control on restrictions.

12. Claims 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Kung'558** , in view of **Gainsboro**, further, in view of **Peel et al** (US Patent No. 5,907,602).

For claims 38, Kung'558 in view of Gainsboro discloses all the limitations of subject matter with the exception of the following limitation, which are disclosed by Peel , as follows:

- wherein said processor-based system detects a fraudulent call , **as recited by claim 38**, refer to col. 33 lines 14 –24.

It would have been obvious to the person of ordinary skill in the art at the time the invention to use capability of call control provided by said processor-based system comprises call fraud detection . This capability can be implemented by combining it in IP central station, as taught by Kung'558. The motivation for using VOIP is to establish a VOIP telephoning calling.

13. Claim 40 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Kung in view of Gainsboro** , further in view of **Ziegler et al** (US Patent Application No.2003/0023714), hereinafter, Zeigler.

For claims 40, Kung'558 in view of Gainsboro discloses all the limitations of subject matter with the exception of the following limitation, which are disclosed by Zeigler, as follows:

- wherein said processor-based system provides real time call recording, **refer to paragraph 0013.**

It would have been obvious to the person of ordinary skill in the art at the time the invention to use capability of processor-based system provides real time call recording. This capability can be implemented by combining it in IP central station, as taught by Kung'558. The motivation for using VOIP is to establish a VOIP telephoning calling.

*Allowable Subject Matter*

Claims *Allowable Subject Matter*

14. Claims 43-52, 54 and 58 are allowed.

***REASONS FOR ALLOWANCE***

15. Claims 26-29 and 56 would be allowable if rewritten to overcome the claim objections(s), set forth in this Office action.

16. The following is an examiner's statement of reasons for allowance:

The prior art of record does not disclose, teach or suggest directly, or indirectly the following limitations in combinations with other limitations of the claims.

**As recited by claim 26,**

**a three-way call detection system for imposing a three-way call restriction, said three-way call detection system being disposed between a second VoIP gateway and said offsite public switched telephone network.**

**As recited by claim 43,**

**a second VoIP gateway between the PSTN and the IP network; and  
a three-way call detection system between said second VoIP gateway and said PSTN.**

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

**As recited by claim 54**

a three-way call detection system disposed between said second VoIP gateway and said offsite switched telephone network, wherein said three-way call detection system performs a three-way call detection upon a telephone signal that has been depacketized by said second VoIP gateway.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***.Response to Arguments***

17. Applicant's arguments filed 12/12/2007 have been fully considered but they are not persuasive.

Applicant argues that Kung '588 does not teach "a plurality of telephones" at a single site or at "a plurality of given sites" as required in claim 1. Instead, Kung '588 merely teaches a public switched telephone network (PSTN) with no other specific details. The Examiner appears to be asserting that the required claim elements can be found in Kung '588 without showing or explaining where the specific elements are found.

Applicant argues, the Examiner points to paragraph [0026] of Kung '588 as teaching a plurality of telephones at a single given site (Office Action at 2-3) and further points to paragraph [0027] of Kung '588 as teaching a plurality of sites being interconnected over an Ethernet network (Office Action at 6). Gainsboro is not cited as teaching or suggesting these claim elements. Applicants respectfully traverse this rejection.

Applicant, further, argues, "The Examiner has not identified the "plurality of given sites" as required in claim 12. In particular, paragraph [0027] does not disclose "a plurality of given sites" each having "a plurality of telephones." Instead, paragraph [0027] discloses a "broadband residential gateway 300 [that] may be variously configured to provide one or more integrated communication interfaces to other devices within the customer premise equipment 102 ....

For example, the broadband residential gateway 300 may provide one or more... Ethernet connections..., and/or other connections to a plurality of devices ....

" Therefore, the cited portion of Kung '588 only teaches Ethernet connections to other devices with the same customer premise equipment. Paragraph [0027] does not teach or suggest "a plurality of given sites," each having "a plurality of telephones."

Accordingly, at least the following elements of claim 12 are missing from the cited references: "a plurality of telephones" and "a plurality of given site sites."

Applicant argues, regarding claim 31, The Examiner rejected claim 31 under 35 U.S.C. § 103(a) as assertedly being unpatentable over Kung '588 in view of Gainsboro, further in view of U.S. Patent No. 5,971,272 to Hsiao (hereinafter "Hsiao"). Claim 4 was rejected under 35 U.S.C. § 103(a) as assertedly being unpatentable over Kung '588 in view of Gainsboro. The Examiner further rejected claims 4 under 35 U.S.C. § 103(a) as assertedly being unpatentable over Kung '588 in view of Gainsboro and further in view of Vo. As discussed above, with respect to claim 1, at least the following elements of claim 31 are missing from the Kung '588, Gainsboro and Vo references: "a plurality of telephones," "a plurality of given site sites," and "at least one a programmable control computer at each site." Hsiao

In response, examiner states that Kung teaches explicitly “The broadband network generally provides interconnection between **a plurality of customer locations** utilizing various interconnection architectures including Internet Protocol (IP) based network, various existing systems (legacy systems) such as the public switched telephone network (PSTN), ATM networks, the Internet, signaling networks, as well as other systems, **(refer to paragraph 0026).** **Further, Kung teaches** , “Again referring to FIG. 1, the broadband network 1 may include one or **more customer premises equipment (CPE) units 102**, (refer to paragraph 0027). It is very clear there are more than one customer locations or premises. Further, Gainsboro in reference to fig. 1, illustrates “inmate telephones” which is plurality of telephone to inmates who are obviously at different locations/rooms of penitentiary.

Applicant argues that there is no teaching or suggestion in Vo that elements 270 and 272 are at "a plurality of given sites." Finally, Vo does not teach or suggest "a plurality of telephones" at a plurality of sites. Instead, Vo teaches terminals 284 separate from elements 270 and 272.

In response, examiner states that Vo is not cited to reject claims 1 and 31.

Examiner, further, responds that “at least one programmable control computer at each site” is disclosed by Kung instead of Hsiao, as argued by applicant, see office action above. Further, Kung teaches, “**programming messages and/or computer data between the various devices, refer to paragraphs 0036, 0037, 0055.**

Applicant argues, “The Examiner points to IP central station 200 in Kung '588 as teaching "a programmable control computer" (Office Action at 3) and points to MCU 280 in Vo



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as teaching "at least one a programmable control computer at each site" (Office Action at 13). Gainsboro is not cited as teaching or suggesting these claim elements. Applicants respectfully traverse this rejection. Vo does not teach or suggest "at least one a programmable control computer at each site" as required in claim 1. With respect to MCU 280, Vo teaches only that "a Multipoint Control Unit (MCU) 280" (shown as "MCCI" 280 in Fig. 2A) is part of sub-portion 290 of VoIP network 108. There are no other references to a Multipoint Control Unit, MCU, or MCCI, or feature 280 in the Vo disclosure. There is no explanation in Vo as to what MCU 280 is or does. It is merely described as a part of sub-portion 290 with no explicit or implicit duties, functions or responsibilities. Accordingly, there is no basis for the Examiner to equate IP central station 200 in Kung '588 to Vo's MCU 280 or to replace IP central station 200 with MCU 280. Critically, MCU 280 is not located at "each site" as required in claim 1, but instead is located separate from both alleged sites 270 and 272.

Accordingly, at least the following elements of claim 1 are missing from the cited references: "a plurality of telephones," "a plurality of given site sites," and "at least one a programmable control computer at each site."

Examiner states, in response, that Vo was never used as cited art. Kung teaches IP central station, refer to 200, fig. 1. Gainsboro teaches prison facility, refer to office action above.

Applicant argues regarding claims 26-30 and 56; further, regarding claims 43-53 and 58,. These claims have been allowed. There the arguments are moot at this point.

**In light of above explanation, arguments by applicant are not persuasive.**

18. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

### ***Conclusion***

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed toINDER P. MEHRA whose telephone number is (571)272-3170. The examiner can normally be reached on Monday through Friday from 8AM to 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on 571-272-4090. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Inder P Mehra  
Examiner  
Art Unit 2617

/Joseph H. Feild/  
Supervisory Patent Examiner, Art Unit  
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